



ANDRE LAVALLEE  
7/19/2001

ORIGINAL

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

\*\*\*\*\*

NORKOL/FIBERCORE, INC., \*

Plaintiff \* Case No. 01-14019-CIV

vs. \* -MIDDLEBROOKS

L&P CONVERTERS CORP., \*

STERLING TECHNOLOGY, INC. \* Magistrate Judge

and MARTIN R. GUBB, \* Lynch

Defendants \*

\*\*\*\*\*

DEPOSITION OF ANDRE LAVALLEE

At the Law Offices of

CATUOGNO COURT REPORTING SERVICES

1414 Main Street, Monarch Place

Springfield, Massachusetts 0114

July 19, 2001 2:03 p.m.

Deborah R. Leonard

Registered Professional Reporter

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2

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9

10

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18

19

20 In attendance:

21 Karl Thomas

22 Kristen Edwards,

23 Interning Stenographer

24

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I N D E X

DEPONENT: ANDRE LAVALLEE

CONFIDENTIAL, FOR COUNSEL AND EXPERTS ONLY

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1           ANDRE LAVALLEE, Deponent, having first been  
2           duly sworn, deposes and states as follows:

3  
4  
5           EXAMINATION BY MR. GORMAN:

6  
7           Q.       Mr. Lavallee, I'm Bob Gorman. I  
8           represent the plaintiff in this action,  
9           Norkol/Fibercore Inc. And this is an opportunity  
10          for us to get some information that you might  
11          personally know or have any information about any  
12          of the matters in the case.

13                   If, for any reason, you don't  
14          understand any of my questions, whether I've  
15          mumbled, I've asked an incoherent question, it  
16          just doesn't make sense, my accent, my mixed  
17          accent, any of that, let me know, okay?

18           A.       All right.

19           Q.       And if you don't indicate you don't  
20          understand the question, I'm going to make the  
21          assumption that you do understand it. Fair  
22          enough?

23           A.       Fine.

24           Q.       For the record, would you tell us

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1 your full name and your residence address.

2 A. Andre Lavallee, 38 Harrington Road,  
3 Charlton, Massachusetts.

4 MR. HOLLAND: And, for the record,  
5 we're going to continue with the same  
6 stipulations that we did in the earlier  
7 deposition?

8 MR. GORMAN: Sure.

9 MR. HOLLAND: Including about the  
10 confidentiality. And in this particular  
11 instance, there are going to be some  
12 instances that are going to be sensitive  
13 that I'm not going to know when they --  
14 until they occur. And I hate to have  
15 Mr. Thomas jumping up and down. I don't  
16 think there are going to be that many, but  
17 there are some that are going to -- that  
18 will undoubtedly occur.

19 MR. GORMAN: We'll address them. I  
20 don't think you and I will have any  
21 difficulty, Don, in addressing those.

22 MR. HOLLAND: Okay.

23 MR. GORMAN: And I have a pretty  
24 good sense of where they might come up.

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1 We'll try to do that. I've already  
2 discussed those aspects with my client's  
3 representative.

4 Q. (By Mr. Gorman) Do you have a  
5 middle initial?

6 A. A.

7 Q. What do you usually go by?

8 A. Usually, Andre Lavallee.

9 Q. Andre, okay.

10 A. Except in legal papers, I use my  
11 middle initial.

12 Q. Are you more comfortable as Andre?

13 A. Yes.

14 Q. As Andy?

15 A. Yes. Oh, Andy is fine.

16 Q. Okay. Because, actually, up until  
17 today, all's I've ever heard your name referred  
18 to was as Andy.

19 A. Yes.

20 Q. Is that what people normally call  
21 you?

22 A. Yes.

23 Q. And I think, just to clarify, I  
24 think I caught your address as 38 Harrington

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1 Road, Charlton, Mass.?

2 **A. Yes.**

3 **Q. How long have you resided there?**

4 **A. Two years.**

5 **Q. Prior to that, where did you live?**

6 **A. Thompson, Connecticut.**

7 **Q. Okay, where in Thompson? Is that**

8 **Thompson or Thompsonville?**

9 **A. Thompson.**

10 **Q. Thompson, okay.**

11 **A. On Route 198, I believe it was, in**

12 **Thompson. I had a house there.**

13 **Q. How long did you reside there?**

14 **A. Thirteen years.**

15 **Q. Now, what's your date of birth?**

16 **A. February 14th, '38.**

17 **Q. And your social security number?**

18 **A. 010-30-7409.**

19 **Q. And, currently, you have a**

20 **Connecticut or a Massachusetts driver's license?**

21 **A. Mass.**

22 **Q. Have you ever had a Connecticut**

23 **driver's license?**

24 **A. Yes.**



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1 Q. And place of birth?

2 A. Southbridge, Massachusetts.

3 Q. Give me -- well, let me start it  
4 this way. Your employer is, currently, L&P  
5 Converters Inc.?

6 A. Yes.

7 Q. How long have you been employed by  
8 L&P Converters?

9 A. Fifteen years.

10 Q. Have you ever been employed by  
11 Sterling Technologies or Sterling Envelope?

12 A. No.

13 Q. What is your current position with  
14 Sterling -- or, excuse me, with L&P?

15 A. Maintenance supervisor.

16 Q. And what are your duties as  
17 maintenance supervisor?

18 A. To oversee the maintenance of all  
19 the machinery, industrial trucks, buildings,  
20 tractor trailers.

21 Q. Okay.

22 A. That's it.

23 Q. Who is your immediate supervisor?

24 A. Martin Gubb.

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1 Q. And do you have any employees who  
2 you supervise?

3 A. Three.

4 Q. And what types of duties do those  
5 three employees have?

6 A. Everything I just mentioned.

7 Q. Now, when you say maintenance of --  
8 I think you said equipment?

9 A. Machinery.

10 Q. Machinery?

11 A. Mm-hmm.

12 Q. Is that machinery that is utilized  
13 by the company in its business?

14 A. Yes.

15 Q. Does it include equipment that might  
16 be held in inventory for sale?

17 A. Yes.

18 Q. And how long have you held the  
19 position of maintenance supervisor?

20 A. Thirteen years.

21 Q. And prior to that, what was your  
22 position?

23 A. I had my own business.

24 Q. Okay. Well, I think you've been

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1 locations that are involved in the paper  
2 industry?

3 **A. Yes.**

4 **Q. What photographs have you taken of**  
5 **equipment at other locations?**

6 **A. Well, about three-quarters of the**  
7 **machinery that's in the plant now I purchased,**  
8 **and I've taken pictures of every one of them.**

9 **Q. Okay. Have you taken pictures of**  
10 **equipment in other locations that has not been**  
11 **purchased?**

12 **A. At times.**

13 **Q. Have you taken pictures of any**  
14 **equipment that is mobile in nature?**

15 **A. Yes.**

16 **Q. What equipment have you taken**  
17 **pictures of that is mobile in nature?**

18 **A. A saw.**

19 **Q. And when were those pictures taken?**

20 **A. I believe it was April of '98.**

21 **Q. And where were those photographs**  
22 **taken?**

23 **A. I don't recall the name of the**  
24 **company.**

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1 Q. Describe the saw that you took  
2 pictures of.

3 A. They had a base, or a turntable.  
4 Channel type frame. Upright posts. With an arm  
5 coming out of it, with a saw blade on the end.  
6 With a hydraulic system.

7 Q. Anything else about this that you  
8 recall?

9 A. No.

10 Q. And what was the purpose of taking  
11 photographs?

12 A. To compare it against something we  
13 were working on.

14 Q. "We" being whom?

15 A. L&P.

16 Q. And what was it that you were  
17 working on?

18 A. A device to cut paper rolls.

19 Q. And did you obtain permission to  
20 take photographs of that device?

21 A. Yes, I did.

22 Q. From whom?

23 A. The operator of the machine.

24 Q. And who was that?

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1           A.       I don't know the man's name.

2           Q.       Was anyone with you?

3           A.       No.

4           Q.       Describe this operator.

5           A.       He's fairly tall. At least my  
6 height, or maybe a little higher, a little  
7 taller.

8           Q.       How tall are you?

9           A.       Six feet.

10                  MR. HOLLAND: By any chance, was he  
11 wearing a gray cap with a visor and --

12                  MR. GORMAN: Objection, counsel.  
13 Well, why don't you give us the  
14 photographs.

15                  MR. HOLLAND: That's exactly --

16                  MR. GORMAN: That's what was asked  
17 for quite some time ago in discovery.

18                  MR. HOLLAND: Nobody -- it didn't  
19 come up in today's deposition yet. I  
20 figured --

21                  MR. GORMAN: Well, if you've got  
22 them, why don't you give them to me, and we  
23 can make it a whole lot easier.

24                  MR. HOLLAND: In addition to those

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1 signatures. Also noted as Confidential,  
2 Counsel and Expert.

3 Q. (By Mr. Gorman) Okay, why don't we  
4 just go to the photographs. There's no dates on  
5 these. When were these taken?

6 A. **There's a date on them.**

7 Q. There is?

8 A. **Yes, there is.**

9 Q. Where's the date on them?

10 A. **Right below my thumb.**

11 Q. Okay. April '98. And do you know  
12 whether that was processing date? Or how soon  
13 after they were taken were they processed?

14 A. **Probably the next day.**

15 Q. And how far did you travel to take  
16 these?

17 A. **I'd say about a hundred miles.**

18 Q. About a hundred miles. So somewhere  
19 within a hundred-mile radius. Do you know which  
20 direction?

21 A. **They were in southern Connecticut.**  
22 **I can tell you that.**

23 Q. Eastern Graphics?

24 A. **Possibly.**

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1 Q. Possibly?

2 A. I'm not sure. It could be.

3 Q. How is it that you went down to  
4 Eastern Graphics to take these photographs?

5 A. My employer asked me to go down.

6 Q. And what did Mr. Gubb tell you?

7 A. He said that they had a saw that  
8 they were demonstrating. Or they were -- not  
9 demonstrating, I shouldn't say -- cutting rolls  
10 of paper with, at this particular location. I'm  
11 not sure of the name. And he asked me to go down  
12 and look at it.

13 Q. Did he tell you why?

14 A. To see if it was similar to what we  
15 were working on.

16 Q. And at that point, what were you  
17 working on?

18 A. A device similar to that.

19 Q. And what was your status -- stage of  
20 work, or status?

21 A. We were at the point we had most of  
22 it built. But we were trying to run it with a --  
23 an electrical motor, with a gearbox.

24 Q. Yep.

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1           A.       Which didn't produce a very good  
2 cut.

3           Q.       Had a prototype been built?

4           A.       This was the prototype. Or, I'm  
5 sorry, there was a prototype before that, which  
6 was very crude in nature.

7           Q.       And where is that device currently  
8 located?

9           A.       That was all cut up and parts used  
10 for different things.

11          Q.       Okay, when was that device  
12 fabricated?

13          A.       Mid-1970s.

14          Q.       And by whom was that fabricated?

15          A.       By L&P Converters.

16                   MR. HOLLAND: Clarify: What did you  
17 say? Mid -- mid what?

18          A.       1970s -- I'm -- '97. I'm sorry. I  
19 keep doing that. 1997.

20          Q.       (By Mr. Gorman) And what did they  
21 do? Did they ever take that prototype out  
22 anywhere?

23          A.       No.

24          Q.       Tested merely inside.